

Referring initially to the objection to claim 1, the Applicant has corrected the editing error noted by the Examiner by replacing the identified instance of the term "cove" with the correct term –cover–.

The Examiner rejected pending claims 1, 4, 7, and 9 under 35 USC § 102(a) based on U.S. Patent No. 4,318,490 to Schneider, claims 2-3 and 18-20 under 35 USC § 103(a) based on Schneider, and claims 11-17 under 35 USC § 103(a) based on the combination of U.S. Patent No. 4,589,569 to Clements and Schneider in view of U.S. Patent No. 4,782,975 to Coy. In response, the Applicant has amended claims 1 and 11 to more clearly identify the shape of the recited cover and how this shape facilitates the application of the cover to conventional beverage container lids.

In particular, claims 1 and 11 now both specify that the cover recited in the claims is adapted for use with standard lids for beverage containers currently on the market. This type of lid is used with many beverages such as juices and soft drinks but is of particular significance in the context of dispensing and drinking coffee. As described in the claims, conventional beverage container lids define a curved upper wall in which an opening is formed and a wall surface extending from the curved upper wall into a recessed portion adjacent to the opening.

The cover of the present invention takes advantage of the wall surface extending into the recessed portion of the lid by using this surface as a positioning surface as recited in the claims. The amendments to claims 1 and 11 emphasize that the cover defines a perimeter edge having an inward edge portion that is inwardly curved to conform to the curvature of the curved upper wall of the lid. The cover is gripped by engaging the inwardly curved inward edge portion with a digit and then aligned with the curved upper wall by placing that digit in contact with the positioning surface that extends into the recessed portion of the lid.

In contrast, the Schneider reference discloses a highly specialized bottle closing device that would not have general application to conventional lids for beverage containers. The Schneider reference discloses a device having a closure portion for closing the bottle, a tab portion extending from one side of the closure portion, and an indicator portion extending from the opposite side of the closure portion. The indicator portion is bent down out of the plane defined by the closure portion so that it adhesively

engages the bottle. When the closure device is removed by gripping the tab and lifting the closure portion from the bottle, the indicator portion remains to illustrate that the bottle has been closed using the closure device.

The inwardly curved inward edge portion of the cover recited in claims 1 and 11 is recited as being located opposite the tab portion. The Schneider reference does not disclose, teach, or suggest an inwardly curved inward edge portion as recited in claim 1. To the contrary, the indicator portion of the Schneider device is arranged where the inwardly curved inward edge portion is located. The Schneider reference thus teaches away from the use of an inwardly curved inward edge portion because the use of such an edge portion would eliminate the indicator portion of that device.

This structural difference between the claimed invention and the Schneider reference is significant because of the environment in which the cover of the present invention is intended to be used. When dispensing coffee, the covers must be attached to the lid quickly and preferably with the use of only one hand. Hundreds if not thousands of such covers must be attached to lids each day at each retail location where the beverages are dispensed, so even minor delays in using the beverage lid covers of the present invention are multiplied many times. The structure recited in claims 1 and 11 allows the claimed covers to be installed quickly, accurately, and in one step using only one hand.

In contrast, the bottle closing device disclosed in the Schneider reference could not be dispensed in one step using one hand given the presence of the indicator portion thereof. Figure 3 of the Schneider reference clearly shows that two hands are required to accurately secure the closure device to the bottle: one hand to hold the tab, and the other to bend down the indicator portion.

Given the foregoing, the Applicant respectfully submits that, absent impermissible hindsight gained by reading the Applicant's disclosure, nothing in the record, including the Schneider, Clements, and Coy references, taken alone or in combination, discloses, teaches, or suggests a cover for a beverage container lid having an inwardly curved inward edge portion as recited in the claims 1 and 11.

The Applicant thus respectfully requests withdrawal of the rejections to claims 1 and 11, and claims 2-4, 7, 9, 15, and 16, which depend therefrom based on 35 USC 102(b) and/or 35 USC § 103(a).

Attached hereto as Exhibit A is a document entitled "Listing of the Claims and Amendments (01-05-2006)" containing a listing of the claims as currently presented. Exhibit A attached herewith contains the text of each pending claim, along with any amendments made hereby (illustrated using strikethrough and underlining) and the status of each pending claim.

Given the foregoing, the Applicant respectfully submits that pending claims 1-4, 7, 9, 11, 15, and 16 are in condition for allowance, and such allowance is respectfully requested. If there is any matter which could be expedited by consultation with the Applicant's attorney, such would be welcome. The Applicant's attorney can be reached at the telephone number below.

Signed at Bellingham, County of Whatcom, State of Washington this 5<sup>th</sup> day of January, 2006.

Respectfully submitted,

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CERTIFICATE OF MAILING  
37 C.F.R. §1.8

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

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Date: January 5, 2006